IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRL.MISC.NO.16981-M OF 2006

DATE OF DECISION: SEPTEMBER 22, 2006

Dharam Pal Goyal and others

...PETITIONERS

VERSUS

State of Haryana and another ....RESPONDENTS

CORAM: HON'BLE MR.JUSTICE SATISH KUMAR MITTAL

Present: Mr.Amar Vivek, Advocate,
for the petitioners.
Mr.Partap Singh, Sr.DAG, Haryana.
Mr.Parminder Singh, Advocate,
for respondent No.2.

...

JUDGMENT

The petitioners, who are father-in-law, mother-in-law, brother-in-law and husband of the complainant, have filed this petition under Section 482 of the Code of Criminal Procedure for quashing FIR No.192 dated 25.4.2005 registered against them under Sections 406/498A/506 IPC at Police Station City Karnal and the subsequent proceedings arising therefrom on the grounds that the allegations made in the FIR prima-facie do not disclose a cognizable offence, rather the allegations are vague, false and concocted and lodging of the FIR at Karnal is an abuse of the process of the Court as no cause of action has arisen at Karnal.

2. In this case, the marriage of the complainant was solemnized with petitioner No.4 on 9.10.2002. After the marriage, they started living at Delhi. A daughter was born from the said wedlock on 12.10.2003 at Nursing Home, Karnal, but unfortunately the said baby died on 13.10.2003.

3. On a written complaint made by the wife, the aforesaid FIR was

registered against the petitioners on 25.4.2005 under Sections 406/498-A/506 IPC at Police Station City, Karnal. In the FIR, it was alleged by the complainant that her husband and his family members are very greedy persons and they were not satisfied with the dowry given at the time of marriage by the father of the complainant, though he spent a huge amount of Rs.8.00 lacs on the marriage. After the marriage, the petitioners used to taunt the complainant for not bringing a Maruti Zen car in dowry. In the FIR, specific allegations of torture, beating and harassment both physical as well as mental, have been levelled. It has been further alleged that after some time of the marriage, the husband of the complainant was allotted a government accommodation in Chandigarh where he was posted as Senior Auditor, but she was not taken by him to Chandigarh. A request was made by the complainant to the petitioners that she should be taken to Chandigarh so that she can reside with her husband, but they refused to accept the request of the complainant on the ground that until and unless their demands are fulfilled, they will not bring her at Chandigarh and permit her to live with her husband. It has also been alleged that during the pregnancy period no proper food was provided to the complainant and she was kept confined in a single room. She was also given beating during the pregnancy period by her husband and his mother. It has been further alleged that a Panchayat was convened at Karnal, but in the said Panchayat, the husband and his parents instead of realizing their mistakes again took a stand that until and unless their demand for Maruti Zen car is not fulfilled, they will not keep the complainant in the matrimonial home. Due to the apathetic attitude adopted by the petitioners, the matter could not be amicably settled. Ultimately, the complainant along with her brother and maternal uncle approached the

petitioners at Chandigarh to return the dowry articles of the complainant, but they refused to return the same and have embezzled the same. Since 2003, when the complainant was thrown out of the matrimonial home, she has been residing with her parents at Karnal and ultimately when the petitioners did not mend their ways, the instant FIR was registered.

4. Counsel for the petitioners raised three-fold submission for quashing of the aforesaid FIR. Firstly that the Karnal police was having no jurisdiction to register the case at Karnal as none of the facts attributed, which constitute the alleged offence, have arisen at Karnal. After the marriage, the parties stayed at Delhi; all the alleged events had taken place either at Delhi or Chandigarh, therefore, the Karnal police has no jurisdiction to register the FIR and investigate the alleged offence. In support of his contention, counsel for the petitioners relied upon the decisions of the Supreme Court in Y.Abraham Ajith and others v. Inspector of Police, Chennai and another, 2004(8) SCC 100 (SC) and Ramesh and others v. State of T.N., 2005(3) SCC 507. Secondly that in the FIR, the allegations levelled against the petitioners are totally vague as no time, date or place of the alleged harassment has been given, therefore, the instant FIR is liable to be quashed. Thirdly that in the aforesaid FIR, all the family members have been falsely implicated. In support of this contention, counsel for the petitioners has relied upon a decision of this Court in Harsh Vardhan Arora v. Smt.Kavita Arora, II(2002) DMC 22.

5. After hearing the counsel for the parties and going through the reply filed by respondent No.2, I do not find any merit in the instant petition. When the aforesaid FIR was registered, the complainant was residing at Karnal with her parents as she was thrown out of the

matrimonial home by her husband and other family members. Since 2003 she has been residing at Karnal with her parents at their mercy. The respondent-wife gave birth to a female child at Karnal, who died on the next day. In the FIR, there is specific allegation that a Panchayat was convened at Karnal and in that Panchayat, the petitioners again demanded the dowry and had taken the stand that they will not take back the complainant to the matrimonial home until and unless their demands are fulfilled. It was also stated in the FIR that the accused made the demand of Maruti Zen car from the parents of the complainant, who were residing at Karnal. Thus, from these facts it is clear that a part of cause of action arose within the jurisdiction of Karnal.

6. Section 178(b) of the Cr.P.C. provides that where an offence is committed partly in one local area and partly in another, then it may be inquired into or tried by a Court having jurisdiction over any of such local areas. Section 179 Cr.P.C. further provides that when an act is an offence by reason of anything which has been done and of a consequence which has ensued, the offence may be inquired into or tried by a Court within whose local jurisdiction such thing has been done or such consequence has ensued.

7. In this case, when the complainant-wife was thrown out of the matrimonial home, she took shelter at her parents house when she was pregnant and gave birth to a baby child at Karnal. The wife was being harassed, beaten up and tortured on account of demand of dowry, particularly a Maruti Zen car. A Panchayat was also convened at Karnal in which demand of dowry was reiterated. These demands were to be fulfilled by the parents of the complainant, who were residing at Karnal. Thus, in my opinion, the consequence of cruelty ensued at Karnal. In similar

circumstances, the Calcutta High Court in Nandadulal Dey v. Putul Dey, 1995 Cr.LJ 3821 (Calcutta) has held that a place where the parents of the ill-treated wife were residing from whom the demand was made, the police of that area has the jurisdiction to inquire into the alleged offence on the complaint made by the wife under Section 498-A IPC.

8. In Satvinder Kaur v. State, 1999(4) RCR(Crl.) 503 (SC) the Supreme Court has held that the FIR cannot be quashed on the ground that the Police Station did not have territorial jurisdiction to investigate the offence. In Md. Yousuf v. State of A.P. 2005(1) RCR (Crl.) 399, it was held by the Andhra Pradesh High Court that an FIR cannot be quashed on the ground that it was lodged in a police station which had no jurisdiction. The questions whether any demand for dowry was made and where it was made, are matters to be investigated by the police. If during the investigation, the police found that the alleged offence did not take place in the territorial jurisdiction of the Police Station, they would transmit the FIR to the Police Station in whose jurisdiction the offence is committed. It was further held that the fact that FIR is lodged in a Police Station which has no territorial jurisdiction, is not and cannot be a ground for quashing the FIR, more so because in dowry harassment cases the wife necessarily has to get the amount demanded by the husband and in-laws from her parents. So, the place where the parents of the wife live also would get jurisdiction, because demand of dowry in fact is to the parents of the wife. In any event the question whether any demand for dowry is made and where it was made are matters to be investigated into by the police. Thus, I do not find any ground to quash the aforesaid FIR on the ground that the Karnal police has no jurisdiction to investigate the matter. As far as the other two contentions of

the petitioners are concerned, I do not find any merit in the same. There are specific allegations in the FIR which clearly constitute the alleged offence justifying the registration of a case and investigation thereof. I also do not find any ground to quash the FIR on the ground that all the family members have been involved by the complainant in the aforesaid FIR. In this case, the allegations of demand of dowry by the petitioners are specific and clear and the same were reiterated even at the time when a Panchayat was convened on a particular date. There are also clear allegations regarding the entrustment of the dowry articles and other property to the accused as well as the demand of those articles by the petitioners and the refusal to return the same.

9. For the foregoing reasons, I find no merit in the petition and the same is hereby dismissed.

September 22, 2006 (SATISH KUMAR MITTAL)
vkg JUDGE